

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In Re:</b>	)	<b>Case No:</b>	<b>19-06979</b>
<b>Jeffrey Schwartz</b>	)		
<b>Harriett Wendy Schwartz</b>	)	<b>Chapter:</b>	<b>Chapter 13</b>
	)		
<b>Debtors</b>	)	<b>Judge:</b>	<b>David D. Cleary</b>

**NOTICE OF MOTION**

TO: See attached list

PLEASE TAKE NOTICE that on June 6, 2022 at 2 PM, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present the motion of Jeffrey and Harriet Schwartz to modify their Chapter 13 Plan, a copy of which is attached

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video,** use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by telephone,** call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and passcode can also be found on the judge's page on the court's website.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

**By:** /s/ Dale Allen Riley

Dale Allen Riley  
Geraci Law L.L.C.  
55 E. Monroe Street #3400  
Chicago, Illinois 60603  
312.332.1800  
ndil@geracilaw.com

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
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<b>In Re:</b>	)	<b>Case No:</b>	<b>19-06979</b>
<b>Jeffrey Schwartz</b>	)		
<b>Harriett Wendy Schwartz</b>	)	<b>Chapter:</b>	<b>Chapter 13</b>
	)		
<b>Debtors</b>	)	<b>Judge:</b>	<b>David D. Cleary</b>

**CERTIFICATE OF SERVICE**

I, Dale Allen Riley, hereby certify that I served a copy of this notice along with the aforementioned document upon the listed parties, by causing the same to be mailed in a properly addressed envelope, postage prepaid, from 55 E. Monroe, Suite 3400, Chicago, Illinois, on May 16, 2022 at 12:40 PM.

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NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In Re:</b>	)	<b>Case No:</b>	<b>19-06979</b>
<b>Jeffrey Schwartz</b>	)		
<b>Harriett Wendy Schwartz</b>	)	<b>Chapter:</b>	<b>Chapter 13</b>
	)		
<b>Debtors</b>	)	<b>Judge:</b>	<b>David D. Cleary</b>

**LIST OF PARTIES SERVED**

Marilyn O. Marshall, 224 S. Michigan Ave. #800 , Chicago, IL 60604

Office of the U.S. Trustee, 219 S. Dearborn, Suite 873, Chicago, Illinois 60604

Jeffrey Donald SchwartzHarriett Wendy Schwartz, 1121 Little Falls Dr , Elgin, IL 60120

[See attached list]

Advocate Medical Group  
C/O State Collection Service  
PO Box 6250  
Madison WI 53716-0250

Cavalry Portfolio SPV I  
Bankruptcy Dept  
PO Box 1030  
Hawthorne NY 10532

Exxnmobil/CBNA  
Attn: Bankruptcy Dept.  
Po Box 6497  
Sioux Falls SD 57117

AMEX  
Attn: Bankruptcy Dept.  
Po Box 297871  
Fort Lauderdale FL 33329

Clerk, Third Mun Div  
19 M3 000618  
2121 Euclid Ave #121  
Rolling Meadows IL 60008

HSBC BANK Nevada N.A.  
C/O JH Portfolio DEBT EQUI  
5757 Phantom Dr Ste 225  
Hazelwood MO 63042

Associates in Psychiatry and Counseling  
C/o Merchants Credit Guide Co.  
223 W. Jackson Blvd., Ste. 900  
Chicago IL 60606

Keith Scott Schindler  
Bankruptcy Dept.  
1990 E. Algonquin, #180  
Schaumburg IL 60173

Illinois Gastro Enterology Group  
C/O Keynote Consulting  
220 W Campus Drive # 102  
Arlington Heights IL 60004

Bayview Financial LOAN  
Attn: Bankruptcy Dept.  
4425 Ponce De Leon Blvd  
Coral Gables FL 33146

CEP America Illinois LLP  
C/O Wakefield & Associates  
PO Box 59003  
Knoxville TN 37950

LANE BRYANT RETAIL/SOA  
Attn: Bankruptcy Dept.  
450 Winks Ln  
Bensalem PA 19020

Clerk, Chancery  
18 CH 15032  
50 W. Washington St., Room 802  
Chicago IL 60602

Chase CARD  
Attn: Bankruptcy Dept.  
Po Box 15298  
Wilmington DE 19850

Midland Funding, LLC  
Bankruptcy Department  
8875 Aero Drive, # 200  
San Diego CA 92123

Wirbicki Law  
Bankruptcy Dept.  
33 W. Monroe, #1140  
Chicago IL 60603

MRS Associates of New Jersey  
Bankruptcy Dept.  
1930 Olney Ave.  
Cherry Hill NJ 08003

Clerk, Third Mun Div  
18 M3 007678  
2121 Euclid Ave #121  
Rolling Meadows IL 60008

Bright Light Medical Imaging  
Billing Department  
31 S Arlington Heights Rd  
Elk Grove Village IL 60007

Chase MTG  
Attn: Bankruptcy Dept.  
Po Box 24696  
Columbus OH 43224

Blitt and Gaines, PC  
Bankruptcy Dept.  
661 Glenn Ave.  
Wheeling IL 60090

Cabelas Club  
C/O Portfolio Recovery Assoc.  
120 Corporate Blvd., Ste. 100  
Norfolk VA 23502

CITI  
Attn: Bankruptcy Dept.  
Po Box 6190  
Sioux Falls SD 57117

Midwest Bone and Joint  
C/O ATG Credit, LLC  
PO Box 14895  
Chicago IL 60614

Capital One  
Bankruptcy Dept.  
PO Box 30285  
Salt Lake City UT 84130

Comenitybank/Meijer  
Attn: Bankruptcy Dept.  
Po Box 182789  
Columbus OH 43218

Portfolio Recovery Assoc.  
Riverside Commerce Center  
120 Corporate Blvd., Ste. 100  
Norfolk VA 23502

CAP1/Bstby  
Attn: Bankruptcy Dept.  
26525 N Riverwoods Blvd  
Mettawa IL 60045

Discover FIN SVCS LLC  
Attn: Bankruptcy Dept.  
Po Box 15316  
Wilmington DE 19850

Clerk, Third Mun Div  
19 M3 000539  
2121 Euclid Ave #121  
Rolling Meadows IL 60008

Capital ONE N.A.  
C/O Midland Funding  
2365 Northside Dr Ste 30  
San Diego CA 92108

Elgin Internal Medical Associates  
C/O Merchants Credit Guide Co.  
223 W. Jackson Blvd., Ste. 900  
Chicago IL 60606

Blitt and Gaines, PC  
Bankruptcy Dept.  
661 Glenn Ave.  
Wheeling IL 60090

Capital ONE, N.A.  
Attn: Bankruptcy Dept.  
Po Box 26625  
Richmond VA 23261

Elgin Internal Medical Associates  
745 Fletcher Dr  
Elgin IL 60123

Quest Diagnostics  
C/O Credit Collection Services  
PO Box 55126  
Boston MA 02205

Quest Diagnostics  
Attn: Bankruptcy Dept  
PO Box 740397  
Cincinnati OH 45274

Syncb/ASHLEY HOMESTORE  
Attn: Bankruptcy Dept.  
950 Forrer Blvd  
Kettering OH 45420

Syncb/BP DC  
Attn: Bankruptcy Dept.  
Po Box 965024  
Orlando FL 32896

Syncb/CAR CARE DISC TI  
Attn: Bankruptcy Dept.  
Po Box 965036  
Orlando FL 32896

Syncb/HOME SHOPPING  
Attn: Bankruptcy Dept.  
Po Box 965005  
Orlando FL 32896

Syncb/JTV  
Attn: Bankruptcy Dept.  
Po Box 965036  
Orlando FL 32896

Syncb/SAMS CLUB DC  
Attn: Bankruptcy Dept.  
Po Box 965005  
Orlando FL 32896

Syncb/SCORE REWARDS DC  
Attn: Bankruptcy Dept.  
Po Box 965005  
Orlando FL 32896

Synchrony BANK  
C/O Portfolio Recov Assoc  
120 Corporate Blvd Ste 1  
Norfolk VA 23502

Synchrony BANK  
C/O Midland Funding  
2365 Northside Dr Ste 30  
San Diego CA 92108

Synchrony BANK  
C/O Cavalry Portfolio SERV  
Po Box 27288  
Tempe AZ 85285

TD BANK USA/Targetcred  
Attn: Bankruptcy Dept.  
Po Box 673  
Minneapolis MN 55440

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

<b>In Re:</b> Jeffrey Schwartz Harriett Wendy Schwartz Debtors	) ) ) ) )	<b>Case No:</b> 19-06979  <b>Chapter:</b> Chapter 13  <b>Judge:</b> David D. Cleary
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**MOTION TO MODIFY CONFIRMED PLAN**

NOW COME the Debtors, Jeffrey & Harriett Schwartz (the “Debtors”), by and through their attorneys, Geraci Law L.L.C., to present their **MOTION TO MODIFY CONFIRMED PLAN**, and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334 and this is a “core proceeding” under 28 U.S.C. 157(b)(2).
2. The Debtors filed their Petition for Relief and plan under Chapter 13 of the U.S. Bankruptcy Act on 03/13/2019.
3. The Debtors’ plan was confirmed by the Court on 6/10/2019 with a requirement that the Debtors tender income tax refunds in excess of \$1,200 to the Chapter 13 Trustee as additional plan payments.
4. The Debtors have accrued a default to the Chapter 13 Trustee resulting from two separate events: They have yet to tender the overage from their 2021 income tax refund of \$1,782 that they are by default supposed to tender to the Trustee and Mr. Schwartz’s employer inexplicably stopped deducting payroll control payments for the Chapter 13 Trustee from mid-January until late April of 2022.
5. Mr. Schwartz’s employer has resumed ongoing payroll deductions for the payments but the Debtors have advised that they are unable to fully cure the remaining default. Although they believe that they can have just shy of one month’s payment for the Chapter 13 Trustee as a

direct payment, that would leave approximately \$2,840 of remaining arrears at the time of this motion's presentment, 6/6/2022.

6. This would total the amount due under the tax refund order along with just under 2 months' regular plan payments.
7. The Debtors have advised that the money from their tax refund is necessary due to refrigerator and freezer repairs. They have tendered to their attorneys receipts which appear to total \$820 in recent direct payments and have further advised that they spent approximately \$550 out-of-pocket for special shoes and braces for Mrs. Schwartz related to her diabetes, though no receipts are yet available. See attached Exhibit A for repair receipts.
8. These items total \$1,370, slightly more than the \$1,200 carve-out for the Debtors' 2021 income tax refund. If \$170 of the current default were waived and the Debtors otherwise pay in the \$578 that they hope to have for the Trustee in direct payments that would leave approximately \$2,670 remaining in monetary default.
9. This amount, representing approximately 4 months' total payments, could be spread over the remainder of the Chapter 13 Plan term if the ongoing plan payments were increased to \$745 per month.

WHEREFORE THE DEBTORS, Jeffrey & Harriet Schwartz, respectfully request this Honorable

Court enter an order:

1. Waiving \$170 of the pending default to the Chapter 13 Trustee,
2. Increasing ongoing plan payments to \$745,
3. Deferring arrears to the end of the plan term,
4. Stating that The Chapter 13 Plan base shall be set at \$41,698, and
5. For any other relief the court deems proper.

**By:** /s/ Dale Allen Riley  
Dale Allen Riley

**Attorneys for the Debtors**

Geraci Law L.L.C.

55 E. Monroe Street #3400

Chicago, Illinois 60603

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